

Notice of Allowability

Application No.

09/942,679

Examiner

Dalena Tran

Applicant(s)

TAMURA ET AL.

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/6/04.
 2. ☒ The allowed claim(s) is/are 1-20.
 3. ☒ The drawings filed on 31 August 2001 are accepted by the Examiner.
 4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

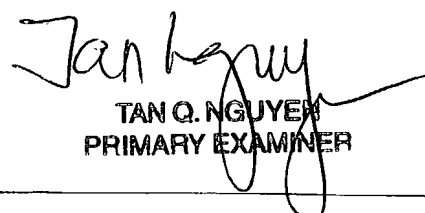
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 9/29/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


TAN Q. NGUYEN
PRIMARY EXAMINER

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

1. This communication is an Examiner's reasons for allowance in response to application filed on 8/31/01, assigned serial 09/942679 and title "Controlling Scheme For Standby Braking Torque Applied To Automotive Vehicle".

The prior art submitted on 9/29/03 has been considered.

2. The following is the Examiner's statement of reasons for the indication of allowable subject matter:

After carefully reviewing the application in light of the response and the additional search of all the possible areas relevant to the present application, a set of related prior art references has been found, but those prior art references are not deemed strong to make the application unpatentable. Thus, it is found that the application is now in condition for allowance.

Although the references found disclose several claimed limitations, none of the references discloses a method for controlling a stand-by braking torque applied to an automotive vehicle under a condition of approaching or following an obstacle preceding the vehicle, method comprising: establishing at least one brake torque threshold; monitoring a brake torque; comparing the monitored brake torque with the established brake torque threshold; and modifying the brake signal in response to the comparing the monitored brake torque with the established brake torque threshold; detecting pressure of the hydraulic brake fluid at a first and second locations within the braking system to generate a first and second output signal indicative of the detected pressure at the first and second locations, and processing the first and second output signals to provide at least one variable expressing one of characteristics of the brake torque (claims 1-2). None of the references found, a system and method for controlling a

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stand-by braking torque, comprising: determining an initial value of brake torque, determining the brake signal for the determined an initial value of brake torque, applying the determined brake signal to the braking system upon determination that the operator braking action is imminent, monitoring the brake torque applied to the vehicle, and modifying the brake signal based on the monitored brake torque after determination that the operator braking action is imminent (claims 3, and 18-20). Also, none of the references found, the controller calculates a period of time during which the determined variable stays greater than or equal to the predetermined brake torque threshold, and reduces the brake signal to lower the brake torque when the calculated period of time is equal to or greater than a predetermined period of time; and controller calculates a period of time during which the determined variable stays less than or equal to the predetermined brake torque threshold, and increases the brake signal to lower the brake torque when the calculated period of time is equal to or greater than a predetermined period of time (claims 5, and 8). None of the references found, the controller determines a first variable expressing instantaneous magnitude of the brake torque, compares the determined first variable with a predetermined first brake torque threshold, and calculates a first period of time during which the determined first variable stays greater than or equal to the first predetermined brake torque threshold; the controller determines a second variable expressing instantaneous magnitude of the brake torque, compares the determined second variable with a predetermined second brake torque threshold, and calculates a second period of time during which the determined second variable stays greater than or equal to the predetermined second brake torque threshold; and wherein the controller subtracts the calculated second period of time from the

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calculated first period of time to give a difference, and adjusts the brake signal in response to the difference (claim 12).

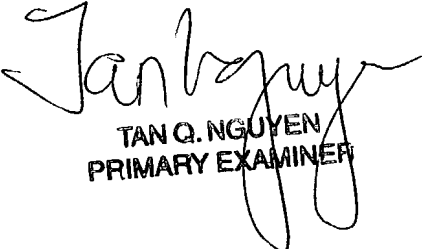
Claims 1-20, are allowable over the prior art of record.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 703-308-8223. The examiner can normally be reached on M-F (7:30 AM-5:30 PM), off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 703-305-8233. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

/dt
April 13, 2004


TAN Q. NGUYEN
PRIMARY EXAMINER